

EXHIBIT A

IN THE TWENTY-THIRD JUDICIAL CIRCUIT OF ALABAMA,
COUNTY OF MADISON

STATE OF ALABAMA,)
vs.) CC-18-3238
WILLIAM DARBY,)
Defendant.)

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HEARING BEFORE THE HONORABLE D. ALAN MANN, JUDGE

October 13, 2023
11:00 a.m.

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A P P E A R A N C E S

For the State: MR. TIMOTHY R. GANN
Chief Deputy District Attorney
100 Northside Square
Huntsville, Alabama 35801

For the Defendant: MR. ROBERT B. TUTEN
and
MR. NICK LOUGH
Attorneys at Law
223 East Side Square
Huntsville, Alabama 35801

Reported By: CHRYSSTAL PRIVETT
Official Court Reporter
Twenty-Third Judicial Circuit
ACCR No. 331

Chrystal Privett, ACCR 331
Official Court Reporter

1 THE COURT: We are here in CC-18-3238, State vs.
2 William Darby.

3 Are you Mr. Darby?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Sir, you are here before the Court with
6 your attorneys, Robert Tuten and Nick Lough. And you were
7 charged originally in this matter with the offense of
8 murder.

9 And it's my understanding the State has a motion.

10 MR. GANN: Your Honor, yes. We make a motion to amend
11 the charge from murder to manslaughter.

12 THE COURT: Do you consent to that amendment?

13 MR. TUTEN: Yes, Your Honor.

14 MR. LOUGH: Yes, Your Honor.

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: All right. And do you understand what you
17 are charged with now?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Do you understand that this amended charge
20 is a class B felony?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: And that the range of punishment for that
23 charge is not less than two nor more than twenty years in
24 the state penitentiary and a fine up to \$30,000?

25 THE DEFENDANT: Yes, Your Honor.

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1 THE COURT: Your attorney has given me some documents,
2 a Plea Agreement and an Explanation of Rights form. And
3 these look to have your signature.

4 Did you sign these?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Did you have enough time to go over them
7 with your lawyers?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Have they done everything for you you have
10 asked them to do?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Do you understand that you have a right to
13 plead guilty?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Do you understand you have a right to
16 plead not guilty or not guilty by reason of mental disease
17 or defect?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Do you understand you have a right to a
20 trial by jury?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Do you understand that at that trial you
23 would be present with your lawyer and you could
24 cross-examine the State's witnesses?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Do you understand you could call witnesses
2 on your own behalf?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Do you understand you could testify at
5 trial but you couldn't be made to do so if you didn't want
6 to?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Do you understand the State would have the
9 burden of proof to prove beyond a reasonable doubt to the
10 jury all of the elements of this charge before they could
11 find you guilty?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: And if they failed to prove any element of
14 this charge, they would have to find you not guilty?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Has anyone promised you any reward or
17 favor to get you to plead guilty?

18 THE DEFENDANT: No, Your Honor.

19 THE COURT: Has anyone threatened you, forced you, or
20 coerced you to make you plead guilty?

21 THE DEFENDANT: No, Your Honor.

22 THE COURT: All right. What would the State expect to
23 show?

24 MR. GANN: Your Honor, the State would expect that the
25 evidence would be that on or about April 4, 2018, at

1 6409 Deramus Avenue, Jeffrey Parker called 911 and
2 threatened to commit suicide. Ben Darby, who was a
3 Huntsville police officer at the time, responded to the
4 scene and confronted Mr. Parker. Mr. Parker had a gun
5 pointed to his head. Mr. Darby ordered Mr. Parker to drop
6 the gun. Parker refused. And Mr. Darby recklessly shot
7 Parker with a shotgun, causing his death.

8 All of these events occurred in Madison County.

9 THE COURT: Mr. Darby, to the charge of manslaughter,
10 with regard to the facts just stated, how do you plead?

11 THE DEFENDANT: Guilty, Your Honor.

12 THE COURT: Are you pleading guilty because you are,
13 in fact, guilty?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Mr. Lough and Mr. Tuten, are you satisfied
16 there is a factual basis for his plea?

17 MR. TUTEN: Judge, there is a real fine line
18 between recklessness and self-defense.

19 THE COURT: I need the answer to the question I asked,
20 and that's all I want the answer to.

21 MR. TUTEN: I'm getting to your answer.

22 But there is a scenario, Your Honor, where this is
23 reckless. And there is a factual basis, yes.

24 MR. LOUGH: Yes, Your Honor.

25 THE COURT: All right. Then, based on your plea of

1 guilty, the Court adjudges you guilty.

2 And I am going to follow the Plea Agreement that you
3 have entered.

4 But is there anything else you want to say before
5 sentence is imposed?

6 MR. LOUGH: No, Your Honor.

7 THE COURT: Anything further from the State --

8 MR. GANN: No, Your Honor.

9 THE COURT: -- other than what is in the Plea
10 Agreement?

11 MR. GANN: Yes, sir.

12 THE COURT: I am going to impose what is referred to
13 as a reverse split, but I am going to sentence you to
14 twenty years in the state penitentiary, and I am going to
15 split that to three years, with the credit given for the
16 time that you have already served in this matter. However,
17 you will be placed on state probation for a period of three
18 years. During that probationary period, that sentence will
19 be suspended.

20 A sentencing order will be entered, which contains the
21 fines and other things you have agreed to as part of this
22 Plea Agreement.

23 It also appears that you have agreed to waive your
24 right to appeal.

25 Do you understand you have the right to appeal?

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1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Are you telling me you knew you had that
3 right and that you voluntarily waive that right here today?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: All right. Anything further from the
6 State?

7 MR. GANN: No, Your Honor.

8 THE COURT: Mr. Tuten?

9 MR. TUTEN: No, sir.

10 THE COURT: Mr. Lough?

11 MR. LOUGH: No, Judge.

12 THE COURT: All right. You need to instruct your
13 client to go to the state probation office and get set up
14 for his first appointment there.

15 MR. TUTEN: Judge, he is supposed to be a pallbearer
16 at a funeral this afternoon.

17 Is it okay if he does this Monday?

18 THE COURT: He can go Monday.

19 THE DEFENDANT: Thank you, Your Honor.

20 MR. GANN: Thank you, Judge.

21 THE COURT: Thank you all.

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1 C E R T I F I C A T E

2 STATE OF ALABAMA)

3)

4 COUNTY OF MADISON)

5 I, Chrystal Privett, do hereby certify that the foregoing
6 proceeding held in case Number CC-18-3238, styled State of
7 Alabama vs. William Darby, was taken stenographically by me at
8 the time and place stated heretofore; that the transcript is
true and accurate to the best of my knowledge, skill, and
ability, after being reduced to transcript form with the aid of
a computer.

9 I further certify that I have no interest in the matter
10 stated heretofore and I am neither of kin nor of counsel to any
of the parties thereto.

11 IN WITNESS WHEREOF, I have hereunto set my hand on this
12 21st day of March, 2024.

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15
16 Chrystal Privett, Court Reporter and
17 Notary Public, State of Alabama at Large
ACCR License No. 331

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Chrystal Privett, ACCR 331
Official Court Reporter